

105TH CONGRESS
2D SESSION

H. R. 3231

To adjust the immigration status of certain Honduran nationals who are
in the United States.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 12, 1998

Mrs. MEEK of Florida (for herself, Mr. DIAZ-BALART, and Ms. ROS-
LEHTINEN) introduced the following bill; which was referred to the Com-
mittee on the Judiciary

A BILL

To adjust the immigration status of certain Honduran
nationals who are in the United States.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Honduran Refugee Im-
5 migration Fairness Act of 1998”.

6 **SEC. 2. ADJUSTMENT OF STATUS OF CERTAIN HONDURAN**
7 **NATIONALS.**

8 (a) ADJUSTMENT OF STATUS.—

9 (1) IN GENERAL.—Notwithstanding section
10 245(c) of the Immigration and Nationality Act, the

1 status of any alien described in subsection (b) shall
2 be adjusted by the Attorney General to that of an
3 alien lawfully admitted for permanent residence, if
4 the alien—

5 (A) applies for such adjustment before
6 April 1, 2000; and

7 (B) is otherwise eligible to receive an im-
8 migrant visa and is otherwise admissible to the
9 United States for permanent residence, except
10 in determining such admissibility the grounds
11 for inadmissibility specified in paragraphs (4),
12 (5), (6)(A), and (7)(A) of section 212(a) of the
13 Immigration and Nationality Act shall not
14 apply.

15 (2) RELATIONSHIP OF APPLICATION TO CER-
16 TAIN ORDERS.—An alien present in the United
17 States who has been ordered excluded, deported, re-
18 moved, or ordered to depart voluntarily, from the
19 United States under any provision of the Immigra-
20 tion and Nationality Act may, notwithstanding such
21 order, apply for adjustment of status under para-
22 graph (1). Such an alien may not be required, as a
23 condition on submitting or granting such applica-
24 tion, to file a motion to reopen, reconsider, or vacate
25 such order. If the Attorney General grants the appli-

1 cation, the Attorney General shall cancel the order.

2 If the Attorney General renders a final administra-
3 tive decision to deny the application, the order shall
4 be effective and enforceable to the same extent as if
5 the application had not been made.

6 (b) ALIENS ELIGIBLE FOR ADJUSTMENT OF STA-
7 TUS.—The benefits provided by subsection (a) shall apply
8 to any alien who is a national of Honduras—

9 (1) who was physically present in the United
10 States on December 31, 1995; and

11 (2) has been physically present in the United
12 States for at least 1 year and is physically present
13 in the United States on the date the application for
14 adjustment of status under this Act is filed, except
15 an alien shall not be considered to have failed to
16 maintain continuous physical presence by reason of
17 an absence, or absences, from the United States for
18 any periods in the aggregate not exceeding 180
19 days.

20 (c) STAY OF REMOVAL.—

21 (1) IN GENERAL.—The Attorney General shall
22 provide by regulation for an alien subject to a final
23 order of deportation, removal, or exclusion to seek a
24 stay of such order based on the filing of an applica-
25 tion under subsection (a).

1 (2) DURING CERTAIN PROCEEDINGS.—Notwith-
2 standing any provision of the Immigration and Na-
3 tionality Act, the Attorney General shall not order
4 any alien to be removed from the United States, if
5 the alien is in exclusion, deportation, or removal pro-
6 ceedings under any provision of such Act and raises
7 as a defense to such an order the eligibility of the
8 alien to apply for adjustment of status under sub-
9 section (a), except where the Attorney General has
10 rendered a final administrative determination to
11 deny the application.

12 (3) WORK AUTHORIZATION.—The Attorney
13 General may authorize an alien who has applied for
14 adjustment of status under subsection (a) to engage
15 in employment in the United States during the
16 pendency of such application and may provide the
17 alien with an “employment authorized” endorsement
18 or other appropriate document signifying authoriza-
19 tion of employment, except that if such application
20 is pending for a period exceeding 180 days, and has
21 not been denied, the Attorney General shall author-
22 ize such employment.

23 (d) ADJUSTMENT OF STATUS FOR SPOUSES AND
24 CHILDREN.—

1 (1) IN GENERAL.—Notwithstanding section
2 245(c) of the Immigration and Nationality Act, the
3 status of an alien shall be adjusted by the Attorney
4 General to that of an alien lawfully admitted for per-
5 manent residence, if—

6 (A) the alien is a national of Honduras;

7 (B) the alien is the spouse, child, or un-
8 married son or daughter, of an alien whose sta-
9 tus is adjusted to that of an alien lawfully ad-
10 mitted for permanent residence under sub-
11 section (a), except that in the case of such an
12 unmarried son or daughter, the son or daughter
13 shall be required to establish that they have
14 been physically present in the United States for
15 at least 1 year;

16 (C) the alien applies for such adjustment
17 and is physically present in the United States
18 on the date the application is filed; and

19 (D) the alien is otherwise eligible to receive
20 an immigrant visa and is otherwise admissible
21 to the United States for permanent residence,
22 except in determining such admissibility the
23 grounds for exclusion specified in paragraphs
24 (4), (5), (6)(A), and (7)(A) of section 212(a) of

1 the Immigration and Nationality Act shall not
2 apply.

3 (2) PROOF OF CONTINUOUS PRESENCE.—For
4 purposes of establishing the period of continuous
5 physical presence referred to in paragraph (1)(B),
6 an alien shall not be considered to have failed to
7 maintain continuous physical presence by reason of
8 an absence, or absences, from the United States for
9 any periods in the aggregate not exceeding 180
10 days.

11 (e) AVAILABILITY OF ADMINISTRATIVE REVIEW.—
12 The Attorney General shall provide to applicants for ad-
13 justment of status under subsection (a) the same right to,
14 and procedures for, administrative review as are provided
15 to—

16 (1) applicants for adjustment of status under
17 section 245 of the Immigration and Nationality Act;
18 or

19 (2) aliens subject to removal proceedings under
20 section 240 of such Act.

21 (f) LIMITATION ON JUDICIAL REVIEW.—A deter-
22 mination by the Attorney General as to whether the status
23 of any alien should be adjusted under this Act is final and
24 shall not be subject to review by any court.

1 (g) NO OFFSET IN NUMBER OF VISAS AVAILABLE.—

2 When an alien is granted the status of having been law-
3 fully admitted for permanent residence pursuant to this
4 Act, the Secretary of State shall not be required to reduce
5 the number of immigrant visas authorized to be issued
6 under any provision of the Immigration and Nationality
7 Act.

8 (h) APPLICATION OF IMMIGRATION AND NATIONAL-

9 ITY ACT PROVISIONS.—Except as otherwise specifically
10 provided in this section, the definitions contained in the
11 Immigration and Nationality Act shall apply in the admin-
12 istration of this Act. Nothing contained in this Act shall
13 be held to repeal, amend, alter, modify, effect, or restrict
14 the powers, duties, functions, or authority of the Attorney
15 General in the administration and enforcement of such
16 Act or any other law relating to immigration, nationality,
17 or naturalization. The fact that an alien may be eligible
18 to be granted the status of having been lawfully admitted
19 for permanent residence under this section shall not pre-
20 clude the alien from seeking such status under any other
21 provision of law for which the alien may be eligible.

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